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(Culverts)

00283

1 by the tribes in this case.

2 A Uh-huh.

3 Q If you could turn to page two, you'll see your name near the top
4 there. And it describes what, at least at one time, was
5 anticipated to be the subject of your testimony. Could you just
6 take a second and review that paragraph beneath your name.

7 A [Witness complies.] Okay.

8 Q First sentence says that: You may provide testimony on the
9 nature, character, operation, and repair of culverts and their
10 potential impact of fisheries. Is that under -- is that your
11 understanding of the scope of your testimony if this case goes
12 to trial?

13 A Yes, essentially.

14 Q Do you intend to talk about particular culverts at trial? Or
15 would you testify generally about culverts?

16 A Probably, do both. I intend to use some examples.

17 Q As you sit here today, do you know which particular culverts you
18 may testify about at trial?

19 A The particular -- the particular names of the culverts, no. But
20 I'll probably look at state-owned culverts belonging to WSDOT.

21 Q And in particular, watersheds?

22 A I'll try to focus on the Muckleshoot Tribes' usual and custom
23 area. But I may extend that to other areas of the state as
24 needed and as time permits.

25 Q But as we sit here today, you don't know which? You can't

1 identify which WSDOT culverts that you intend to talk about?

2 A There is a culvert inventory that the state has produced that
3 identifies culverts that are in need of repair, ones that have
4 been fixed. And I'll probably select from that list.

5 Q So you rely on the DFWs barrier culvert inventory? Or you tend
6 to rely on the DFWs barrier culvert inventory to, as far as
7 your -- the universe of state-owned culverts, that you might
8 talk about?

9 A I guess I can't rely on it fully, but it's a good starting
10 place.

11 Q Which I might as well follow up on that. Why can't you rely on
12 it fully?

13 A I don't think it's complete. I think there are culverts out
14 there that have not been identified in that inventory.

15 Q And do you have any in mind?

16 A Not at this time.

17 Q Why do you think there are culverts that -- why do you think
18 there are state-owned culverts that are barriers that are not
19 included on the DFW inventory?

20 A I guess recollection from other staff that work with culverts
21 that have knowledge of some culverts that may not be on the
22 list.

23 Q Do you know any of those -- which culverts those are?

24 A No. No. Not today.

25 Q Do you know if -- and you're talking about Muckleshoot staff?

1 A I would not say it would be fair to characterize it in that
2 manner, since at the time the extent of impact was undetermined.

3 Q Is there any way to rank the impact, the detrimental impact of
4 fish passage barrier culverts in the White-Puyallup watershed,
5 in comparison to the other man-made impacts?

6 A Sorry? Could you rephrase that.

7 Q Well, I'm trying to get an idea of the relative importance, the
8 list of all the insults that salmon have suffered at -- because
9 of human causes in this particular watershed.

10 A Uh-huh.

11 Q Do you have an opinion as to where --

12 A Where that ranks?

13 Q Yeah, where they rank.

14 A I think that is a very difficult one to make that assessment
15 because it can vary so much within a watershed. Some
16 watersheds, culverts may in deed be the limiting factor for fish
17 to access their habitats. In those watersheds, culverts may
18 rank extremely high up on the prioritization list. Whereas,
19 other watersheds, it may not. And there are numerous impacts
20 that salmonids suffer from, ranging from ocean productivity to
21 all life histories in fresh water. Culverts are one of those
22 impacts.

23 Q Are you aware of any watersheds where culverts are maybe the
24 most significant impact?

25 A My role in this was not to assess available habitat upstream.

C E R T I F I C A T E

STATE OF WASHINGTON)
) SS
COUNTY OF KING)

I, Katherine Cullman, a Notary Public in and for the State of Washington, do hereby certify:

That the foregoing deposition was taken before me at the time and place therein set forth;

That the witness was by me first duly sworn to testify to the truth, the whole truth, and nothing but the truth; and the testimony of the witness and all objections made at the time of the examination were recorded by voice recognition by me, and thereafter transcribed under my direction;

That the foregoing transcript is a true record of the testimony given by the witness and of all objections made at the time of the examination, to the best of my ability.

I further certify that I am in no way related to any party to this matter nor to any of counsel, nor do I have any interest in the matter.

Witness my hand and seal this 14th day of July, 2006.

Katherine Cullman, Notary
Public in and for the State
of Washington, residing at
Kent. Commission
expires April 26, 2008.